

# LOOPSTRA NIXON LLP

Quinto M. Annibale\*  
\*Quinto Annibale Professional Corporation  
Direct Line: 416-748-4757  
E-mail: qannibale@loonix.com

May 13, 2013

**By E-Mail**

Commissioner of Finance and City Treasurer  
City of Vaughan  
City Hall  
2141 Major Mackenzie Drive  
Vaughan, ON L4A 1T1

C	13
Item #	1
Report No.	7 (F&A)
Council - May 14/13	

**Attention: Ms. Barbara Cribbitt**

Dear Ms. Cribbet:

**Re: VMC Jane/7 Storm Water Management and Black Creek Flood and Erosion  
Improvement Works Special area Development Charge Deferral**

I am the solicitor for 785345 Ontario Limited and I & M Pandolfo Holdings with respect to the above referenced matter. My clients are the owners of approximately 4.717 hectares of land located at the southeast corner of Jane Street and Doughton Road in the Vaughan Metropolitan Centre ("Subject Lands"); the Subject Lands are municipally known as 7551 and 7601 Jane Street, in the City of Vaughan.

We are writing to request that Vaughan Council defer the above noted Special Area Charge (SAC) at the May 14, 2013 Council meeting to allow further discussion between senior staff and the VMC landowners.

As discussed with City staff, the basis of this request includes but is not limited to:

General Reasons

- 1) Benefit to Existing (BTE) has not been recognized for the related works;
- 2) The Stormwater Management and Floodplain Improvement construction and land acquisition costs have not been finalized through the associated Black Creek Channel

Class EA process and therefore implementation of an associated SAC is premature prior to completion of the Class EA;

- 3) Allocation of costs to York Region (or any other available sources of public funding) have not been considered related to undersized existing infrastructure and benefits of reduced flooding;
- 4) Benefits to City Wide growth areas require further discussion; and
- 5) The allocation of costs to solve existing environmental problems in already developed areas needs to be addressed.

#### Reasons Specific to 7551 and 7601 Jane Street

- 6) It is my understanding that City Council will consider a proposal to allocate the development charges ("Black Creek DC Charges") attributable to the Black Creek stormwater optimization works ("Stormwater Optimization Works"), either in whole or in part, through special area charges ("SACs"). I also understand that said proposal contemplates that portions of the Black Creek DC Charges which are to be allocated through SACs will be assessed based on a formula related to the relative benefit resulting from the Stormwater Optimization Works; the benefit being an increase in the developable area resulting from the removal of the floodplain on the assessed property. As you can see from the attached Appendix "1" – Table 10 (Updated May 6, 2013), the total Sub-Area Benefitting from Stormwater Management Works for Sub-Area 3, is 4.29 ha. (see Appendix "1" attached);

Should City Council approve a proposal to allocate the Black Creek DC Charges through SACs, my clients will object to the application of said charges to the Subject Lands on the basis that my clients have demonstrated that there are engineering solutions which can resolve the Black Creek Regional Storm floodplain issues such that the Stormwater Optimization Works do not create any significant additional developable area on the Subject Lands and therefore provide negligible direct benefit to my clients. My clients can provide the technical engineering analysis that supports this, at your request. This is an extremely important issue for my clients who own significant lands within the floodplain. This issue could detrimentally affect the developability of my clients' lands;

- 7) My clients are of the opinion that the Stormwater Optimization Works provide a City-wide benefit and should therefore be recovered through growth occurring on a city-wide basis. Moreover, the allocation of the Black Creek DC Charges through SACs will result in an undue financial burden imposed on development in the Vaughan Metropolitan Centre ("VMC"). The City should be implementing incentives rather than barriers to development in the VMC. The VMC is one of the most important Urban Growth Nodes in the Province and we encourage the City of Vaughan to adopt policies in the Vaughan Development Charges By-law that promote and facilitate development in this area. My clients therefore urge the City of Vaughan to add the Black Creek DC Charges in their entirety to the list of City-Wide Charges outlined in the background study and correspondingly object to the allocation of said charges through SACs;

- 8) In the alternative, if the City does not add the charge to the list of City wide charges, my clients urge you to make the area much larger than currently proposed. The Black Creek drainage area upstream of the site is over 700 ha. The VMC will be an important economic centre for Vaughan, bringing significant direct tax assessment revenue and significant spinoff economic activity which will benefit the whole municipality. To the extent that the Black Creek Works increase the developability and therefore the density of the VMC, the whole of Vaughan benefits. If the whole of Vaughan benefits, then the cost of the work should be shared by a much larger area than presently proposed; and
- 9) My clients request that the cost of reconstruction of both of their driveway entrances (necessitated by the Black Creek Works) be included in the DC By-law as part of the DC charges for this work.

We request that regular working sessions be arranged weekly or bi-weekly between the City and the VMC landowners to rectify and resolve all related issues and to expedite an amicable solution.

We believe that the Black Creek Optimization Study and associated stormwater management works have been in discussions for a considerable period of time. It is appropriate and reasonable that an area of such high importance be given the proper attention, so that costs can be appropriately allocated and a final resolution between all parties can be achieved in a timely and equitable manner.

We appreciate your consideration and support of this request to defer the Special Area Charge to resolve the outstanding issues. Please note that we will be making further submissions as this matter progresses.

Yours truly,

LOOPSTRA NIXON LLP

Per:

Quinto M. Annibale

QMA/rs

cc Mayor Maurizio Bevilacqua  
cc Deputy Mayor and Regional Councillor Gino Rosati  
cc Regional Councillor Michael Di Biase  
cc Regional Councillor Deb Schulte  
cc Ward 1 Councillor Marilyn Iafrate  
cc Ward 2 Councillor Tony Carella  
cc Ward 3 Councillor Rosanna DeFrancesca  
cc Ward 4 Councillor Sandra Yeung Racco  
cc Ward 5 Councillor Alan Shefman  
cc Mr. Paul Jankowski, Commissioner of Engineering and Public Works



cc Mr. John Mackenzie, Commissioner of Planning  
cc Mr. Jeffrey Abrams, City Clerk  
cc Mr. Andrew Pearce, Director Development and Transportation Engineering  
cc Mr. Lloyd Noronha, Director Development Finance and Investments

# Appendix "1"

**DRAFT**

APPENDIX 1 - TABLE 10 (Updated May 7, 2013)

CITY OF VAUGHAN - ENGINEERING DEPARTMENT  
SPECIAL SERVICE AREA CHARGE  
VINC JAMIEP STORM WATER MANAGEMENT AND BLACK CREEK FLOOD & EROSION  
IMPROVEMENT WORKS

PART A) Total JamieP SWMP Retrofit Project Cost Estimate  
PART B) Total Flood Improvement Work Project Cost Estimate  
PART C) Land Acquisition Cost for Flood Improvement Works (Black Creek Channel)  
PART D) Total Black Creek Erosion Improvement Works Project Cost Estimate  
PART E) Urbanization Works  
Total

PART A) Total JamieP SWMP Retrofit  
PART B) Total Flood Improvement Work  
PART C) Land Acquisition Cost (Black Creek Channel)  
PART D) Total Black Creek Erosion Improvement Works

JamieP SWMP Retrofit - Special Area Charge per Net Developable Hectare  
Black Creek Channel - Special Area Charge per Net Developable Hectare  
Land Acquisition for Channel - Special Area Charge per Net Developable Hectare  
Black Creek Erosion Works - Special Area Charge per Net Developable Hectare

Black Creek Channel - Special Area Charge per Net Developable Hectare  
Sub Area 1 - Total Net Benefiting Area (VIC Secondary Plus Tributary to JamieP SWMP) ha  
Sub Area 2 - Total Net Benefiting Area (SE Quadrant of VIC) ha  
Sub Area 3 - Total Net Restricted Lands SE Quadrant of VIC ha  
Sub Area 4 - Total Net Benefiting Area (Eastern Black Creek Watershed NE) ha  
Sub Area 5 - Total Net Benefiting Area (Western Black Creek Watershed SW) ha  
Sub Area 6 - Total Net Benefiting Area (Remainder of VIC)

Project Cost	Collected Through City Wide By-law	Collected Through SAC
\$ 6,912,696	\$ 2,344,165	\$ 4,568,531
\$ 21,646,260	\$ 7,357,440	\$ 14,288,820
\$ 14,713,169	-	\$ 14,713,169
\$ 879,003	\$ 284,366	\$ 594,637
\$ 10,000,000	\$ 10,000,000	\$ -
\$ 64,221,978	\$ 20,000,000	\$ 44,221,978

Sub-Areas Benefiting from SWM Works (ha)

Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Total Benefiting Area (ha)
33.43	33.43	4.29	78.78	-	-	145.93
33.43	33.43	4.29	78.78	95.14	70.15	313.13

\$135,655.04  
\$111,718.14  
\$1,652,941.68  
\$2,283.88

Benefiting Area (ha)	Sub-Areas
33.43	Sub Area 1
10.81	Sub Area 2
4.29	Sub Area 3
78.78	Sub Area 4
68.04	Sub Area 5
70.15	Sub Area 6

# **SCHEDULE "B"** **SPECIAL AREA CHARGE** **DEVELOPMENT CHARGES**

BY-LAW NUMBER: **2013**

PASSED THE \_\_\_\_ DAY OF \_\_\_\_, 2013

SIGNING OFFICERS

\_\_\_\_\_  
 JAMES

\_\_\_\_\_  
 CLERK

**VMC JANE7 STORMWATER  
 MANAGEMENT AND BLACK CREEK  
 FLOOD & EROSION IMPROVEMENT  
 WORKS**

MAP 1 OF 3

----- VMC AREA BOUNDARY

▨ SUB AREA 1 SERVICE AREA

▨ VMC TRIBUTARY TO JANE7 SWMP

▨ SUB AREA 2 SERVICE AREA

▨ VMC SE QUADRANT

▨ SUB AREA 3 SERVICE AREA

▨ VMC - RECLAIMED LANDS

▨ SUB AREA 4 SERVICE AREA

▨ BLACK CREEK WATERSHED NE

▨ SUB AREA 5 SERVICE AREA

▨ BLACK CREEK WATERSHED SW

▨ SUB AREA 6 SERVICE AREA

▨ REMAINDER OF VMC (WEST)

**39** CITY BLOCK NUMBER

NOT TO SCALE

**VAUGHAN**



# **SCHEDULE "B"** **SPECIAL AREA CHARGE** **DEVELOPMENT CHARGES**

BY-LAW NUMBER: **2013**

PASSED THE \_\_\_\_ DAY OF \_\_\_\_\_, 2013

SIGNING OFFICERS

DATE

DATE

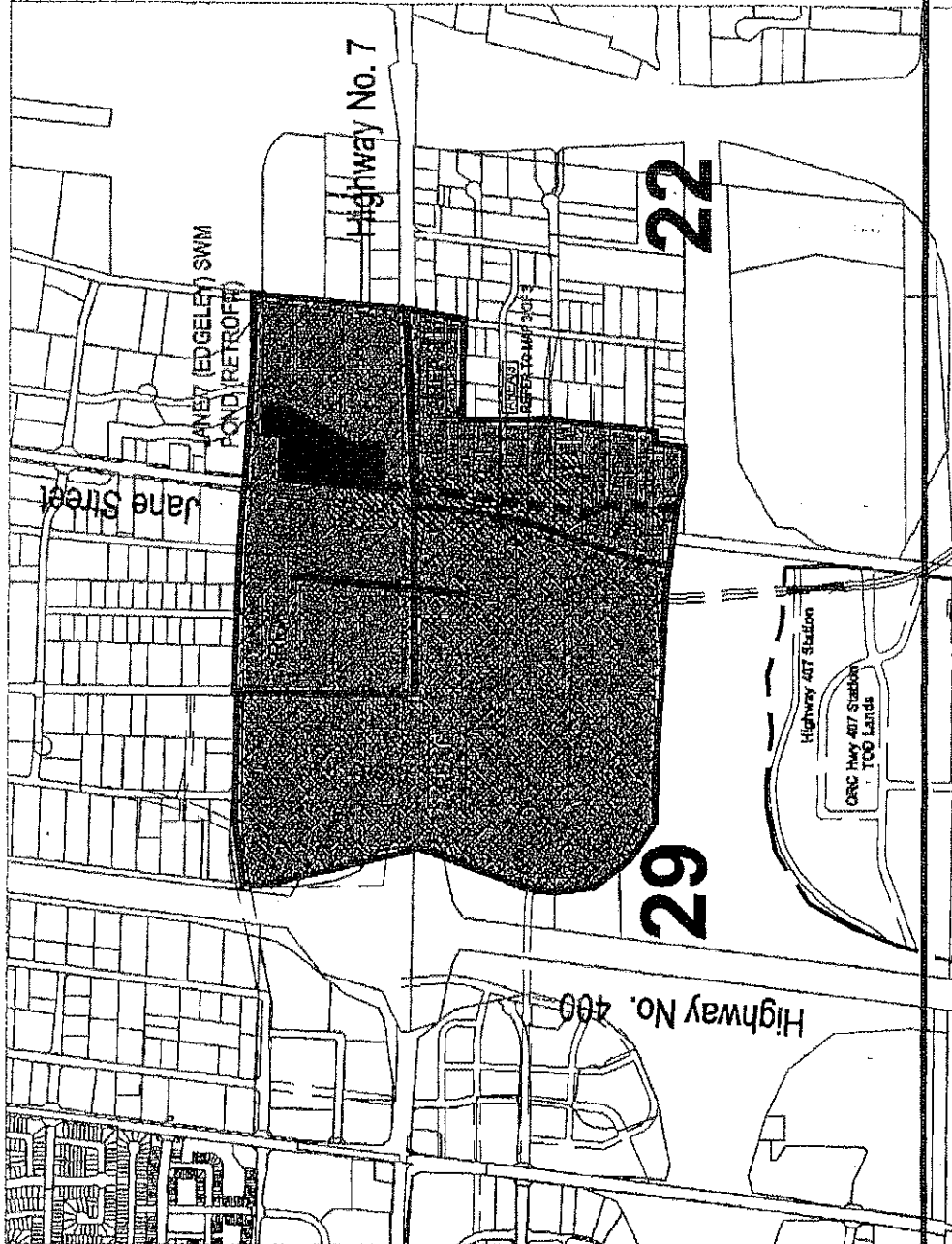
VMC STORMWATER MANAGEMENT  
 AND BLACK CREEK FLOOD & EROSION  
 IMPROVEMENT WORKS  
 MAP 2 OF 3 (VMC SECONDARY PLAN)

- VMC SECONDARY PLAN AREA
- PROPOSED SWAMP RETROFIT
- BLACK CREEK FLOOD IMPROVEMENT WORKS
- SUB AREA 1 SERVICE AREA
- VMC - TRIBUTARY TO JANE7 SWMP
- SUB AREA 2 SERVICE AREA
- VMC SE QUADRANT
- SUB AREA 3 SERVICE AREA
- VMC - RECLAIMED LANDS
- SUB AREA 6 SERVICE AREA
- REMAINDER OF VMC (WEST)

39 CITY BLOCK NUMBER

NOT TO SCALE

VAUGHAN



**SCHEDULE "B"**  
**SPECIAL AREA CHARGE**  
**DEVELOPMENT CHARGES**

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SIGNING OFFICERS

WASER

CLERK

VMC STORMWATER MANAGEMENT  
 AND BLACK CREEK FLOOD & EROSION  
 IMPROVEMENT WORKS  
 MAP 3 OF 3

 SUB AREA 3 SERVICE AREA  
 VMC - RECLAIMED LANDS  
 (EXISTING FLOODING AREAS)

 BLACK CREEK FLOOD IMPROVEMENT  
 WORKS

39 CITY BLOCK NUMBER



NOT TO SCALE

